

"contribution" or "expenditure." 11 CFR 100.72 and 11 CFR 100.131. Mr. Ramsland has kept records of all donations that he has received and expenses he has paid in accordance with 11 CFR 101.3.

Mr. Ramsland has been meticulous in his effort not to engage in any activity indicating that he has decided to become a candidate for a particular office or activities relevant to conducting a campaign. First, Mr. Ramsland has not used general public political advertising to publicize an intention to campaign for Federal office. In fact, the website www.ramslandexploration.com, copies of which are attached to the complaints in both MUR 6949 and MUR 6951, a Facebook page, two YouTube videos, an appearance as an invited guest on the Glenn Beck radio program, and electronic mail messages are the only publicly available material that even discusses Mr. Ramsland or his testing the water activities.

Second, Mr. Ramsland has not raised funds in excess of what he reasonably needs to thoroughly explore a run for Federal office and is not merely amassing campaign funds to be spent after he is a candidate. Mr. Ramsland has received less than the \$200,000 alleged by Mrs. Malone in MUR 6951. He has expended funds to create a website, host receptions to discuss issues, and have professional videos made for inclusion on the website. Going forward, Mr. Ramsland plans to host additional events, conduct polling, engage in travel and hire professional consultants to advise as to the feasibility of a potential campaign, all of which fall squarely within the types of expenditures identified by the Commission as acceptable for a testing the waters effort.

Recognizing that the last successful congressional candidate in his area raised approximately \$2,514,292 and spent roughly \$2,529,656, one would be hard-pressed to show that the meager sum Mr. Ramsland has received is anywhere near an amassing of funds necessary to run such a campaign. Clearly, Mr. Ramsland is just using donations as one of the facts to gauge the level of interest the public has in him seeking Federal office.

Third, Mr. Ramsland has not made nor authorized any written or oral statements that refer to him as a candidate for a particular office. In fact, the website cited by both complainants in MUR 6949 and MUR 6951 clearly states that "...Russell is not a candidate for any public office, nor has he decided to become a candidate." Furthermore, and without addressing the hearsay problems with the alleged email that is missing both sender and recipient information which Mr. Broadway attached to MUR 6949, Mr. Ramsland has not authorized anyone to send emails on his behalf referring to him as a candidate or identifying him as a candidate for a particular office.

Next, Mr. Ramsland has not conducted his exploration efforts in close proximity to an election or for any protracted period of time. The closest election that would have a Federal office on the ballot would be the general primary election. The next general primary election in Texas is over eight months away on Tuesday, March 1, 2016. TEX. ELEC. CODE § 41.007(a).

There is no evidence that Mr. Ramsland has been engaged in his exploratory effort for a protracted period of time. In fact, the evidence submitted by Mr. Broadway in MUR 6949 – an alleged email dated June 26, 2015 – weighs heavily against a protracted exploration and shows there is a nascent public awareness of an exploratory effort that is in its infancy.

Finally, Mr. Ramsland has taken no action to qualify for the ballot under Texas law. Specifically, he has not completed and filed an application for a place on the ballot with either party, nor paid the application fee or collected petition signatures in lieu of an application fee. See TEX. ELEC. CODE Ch. 141.

As the Commission has stated “[a]n individual who merely tests the waters, but does not campaign for office, does not have to register or report as a candidate.”² In both MUR 6949 and MUR 6951 there are no facts alleged nor evidence presented that show Mr. Ramsland has taken any steps to become a candidate for Federal office which would require him to register and report under the Act. On the contrary, the documentary evidence shows that Mr. Ramsland has cautiously decided to test the waters for a run for Federal office, mindful of the recordkeeping requirements and contribution limits that would be in place were he to declare.

In support of the forgoing arguments I have included two affidavits, one for each MUR, signed by Mr. Ramsland attesting to the facts as they have been laid out within this letter. Accordingly, MUR 6949 and MUR 6951 should immediately be dismissed without any further action being taken by the Commission. Mr. Ramsland is clearly testing the waters and any registration and disclosure necessary, should he become a candidate will happen in due course should he declare for a Federal office.

Sincerely yours,


James E. "Trey" Trainor III

JET/pn
Enclosures

² http://www.fec.gov/press/bkgnd/pres_cf/exploratory.html, last visited August 4, 2015.

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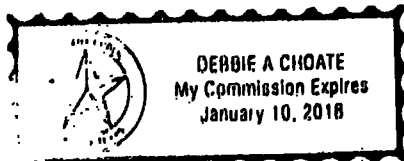
1-800-444-4444

12. I have read the complaint of Mrs. Malone and believe it to be fully false and a tactic to discourage me from becoming a candidate for Federal office."

Further affiant saith not.


Russell Ramsland

Sworn to and subscribed before me this 10th day of August 2015.




Notary Public